

REMARKS

Claims 8, 10-12, 14 and 123-128 of the present application are currently pending. These claims have been rejected by the Examiner in the Office Action mailed October 27, 2003.

In response, Applicants have amended independent claim 8. Support for the amendment to claim 8 may be found in the specification, the drawings, and the claims as originally filed. On account of the foregoing listed support for the amendment to claim 8, it is respectfully submitted that the amendment does not add new matter.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 8, 10-12, 14, and 123-124 under 35 U.S.C. § 102(a) as being anticipated by Matsumoto, et al. (US Pat. No. 5,726,479). The Examiner has indicated that he regards the side wall (7a) of Figures 8 and 18 to be equivalent to the “thick second spacers” recited in claim 1. Further, the Examiner has indicated that he regards the “thin first spacers” recited in claim 8 as being equivalent to the oxide film (5) indicated in Figures 8 and 18. As will be seen, as one moves away from the silicon substrate (1) in a direction parallel with the oxide film (5), the side wall (7a) decreases in width. Thus, the side wall (7a) does not have a width throughout its height which is constant in a direction parallel with said first thin spacers, as recited in claim 8.

Accordingly, it is respectfully submitted that Matsumoto does not teach or suggest all limitations of claim 8, as amended, and therefore, claim 8 as amended, is not anticipated or rendered obvious by Matsumoto et al.

Further, given that claims 10-12, 14, and 123-128 depend on claim 8, it is respectfully submitted that these claims are also not anticipated or rendered obvious by Matsumoto.

It is respectfully submitted that in view of the amendments and arguments set forth herein, all applicable rejections and objections have been overcome. Accordingly, a Notice of Allowance in which all pending claims are allowed, is respectfully sought.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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